S.B. CIVIL MISC. APPEAL NO.622/2006

Date :: 11.05.2006

HON'BLE MR. JUSTICE BHAGWATI PRASAD

Mr.Sandeep Saruparia, for the appellant.

Heard.

The deceased was 22 years old khalasi on a truck. No proof about his income has been filed by the complainant. His employment too has not been established beyond doubt. The Tribunal has considered on the basis of Schedule that minimum income of the deceased could be computed as Rs.15,000/-. On that basis, the claim has been computed which is around 1,85,000/-. If there was no positive proof of income and the notional income has been computed then the claimants cannot raise any grievance because the burden lay on them to establish what was the income of the deceased. Having failed to establish the income by positive evidence, the notional income computed in accordance with statutory provisions taken by the Tribunal cannot be taken to be an unreasonable or such kind of approach which is not recognised by law.

That being the position, no case for enhancement is made out. The misc. appeal therefore dismissed.

[BHAGWATI PRASAD],J.

Ashwini/-